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**ESTABLISHMENT OF THE GOVERNOR'S**  
**EMPLOYEE ADVISORY COUNCIL**

**WHEREAS**, the fair and equitable treatment of all employees of the Government of the Commonwealth of Kentucky is essential to the effective operation of state government; and

**WHEREAS**, the Commonwealth has established a classified service to promote the efficiency of state government by developing a cadre of classified employees to carry on the day-to-day functions of state government protected from political or other arbitrary influences which might reduce their effectiveness as public servants; and

**WHEREAS**, the state classified service provides no formal mechanism for employee input into the terms and conditions of their employment; and

**WHEREAS**, two-way communication between employee and employer improves the morale and efficiency of employees; and

**WHEREAS**, the citizens of Kentucky will benefit from improvements in the relationship between the Commonwealth and its classified employees by the establishment of a structure for effective communication between classified employees and the Governor; and

**WHEREAS**, classified employees will be treated more fairly if they unite to establish a systematic and broad based procedure to communicate their positions collectively; and

**WHEREAS**, communication between classified employees and the Governor can be improved by the establishment of the Governor's Employee Advisory Council which will consist of representatives of classified employees that will convene periodically to

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meet with the Governor and advise him on matters pertaining to wages, hours, and other terms and conditions of employment of classified employees:

**NOW, THEREFORE**, I, Paul E. Patton, Governor of the Commonwealth of Kentucky, by virtue of the authority vested in me by Sections 81, 79 and 69 of the Kentucky Constitution, and KRS 12.029 and 12.080, do hereby Declare, Order and Direct the following:

- (1) This Executive Order applies only to non-supervisory classified employees of the program cabinets and the administrative bodies attached to the program cabinets or directly to the Governor's Office in the Executive Branch of the government of the Commonwealth of Kentucky as provided in KRS Chapter 12, et. seq. This Executive Order shall not apply to employees of Kentucky's other constitutional officers and employees of the Commonwealth's elementary, secondary and post-secondary educational systems.
- (2) There is hereby created and established the Governor's Employee Advisory Council ("Council") which shall provide advice and recommendations to the Governor concerning state employee/employer relations and shall advise and discuss with the Governor on behalf of classified employees matters pertaining to wages, hours and other terms and conditions of employment which are within the authority of the Governor to decide or recommend to the General Assembly.
- (3) Any organization(s) selected as a representative for any of the nine (9) employee categories established in section seven (7) of this Order shall be a member of this Council. The process to be followed in selecting a representative is provided in Section eight (8) of this Order.

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- (4) The Council is hereby constituted as an advisory and resource body pursuant to KRS 12.029 and shall have such functions and responsibilities as are hereinafter set forth.
- (5) The Council shall meet at least on a quarterly basis and more frequently as it deems necessary, and shall forward recommendations to the Governor relating to wages, hours and other terms and conditions of employment including but not limited to:
  - a. Compensation and incentive plans, policies related to employee attendance, leave and the appointment of state employees;
  - b. Recommendations concerning employee health insurance, life insurance and other employee benefits and matters concerning grievances and complaints;
  - c. Recommendations of the Governor to the Legislature concerning the terms and conditions of state employment;
  - d. And such other matters as the council shall deem appropriate for recommendation and discussion with the Governor.
- (6) The Governor shall meet at least twice annually with the Council to discuss its advice and recommendations provided under this Order and may meet more frequently with the Council as he deems appropriate.
- (7) In recognition of the fact that classified employees in different job classifications may have different concerns in addition to the common concerns of all classified employees and for purposes of establishing the council, classified employees shall be divided into the following nine (9) classified employee categories:
  - (a) Clerical, semi-technical and para-professional employees;
  - (b) Administrative employees;
  - (c) Labor and trades employees;

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- (d) Employment and social services employees;
- (e) Health Services employees;
- (f) State police officers;
- (g) Corrections, Parole, and other law enforcement employees;
- (h) Professionals, specialists, scientific and related employees.
- (i) Regulatory and inspection employees.

The Secretary of the Personnel Cabinet, or such other officials as may be designated by the Governor for this purpose, shall determine the assignment of each classified employee to an appropriate category, based on the classified employee's job classification and position. Classified managerial and supervisory employees shall not be included in the employee groups covered by this Order.

- (8) Subsequent to July 31, 2001, if any employee organization presents evidence of a showing of interest to the Secretary of the Labor Cabinet that 30% of the classified employees in any of the nine (9) employee categories established in section (7) of this Order desire that organization to be their representative, then the Secretary of the Labor Cabinet shall determine by secret ballot if that employee organization is the preferred choice of a majority of the classified employees voting in that employee category. Organizations certified by the Secretary of Labor as representing one of the nine employee categories shall become a member of the Council as the representative of all the classified employees in that employee category for the purpose of advising the Governor on matters pertaining to state employee/employer relations. An organization shall have one member of the council for each category of employees it represents.
- (9) Certified employee organizations which represent classified employees on the Council shall have the right to negotiate with and advise the Governor

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on behalf of all certified employees in the category or categories for which they are certified. Any agreement reached through such negotiations shall be reflected in a written settlement.

- (10) Employees may agree in writing to the voluntary payroll deduction of membership dues or fees to the certified employee organization. No employee of the classified service shall be required, coerced, or unduly influenced in any manner to join an employee organization. Classified employees shall likewise have the right, freely and without fear of penalty or reprisal, to join and assist any lawful employee organization.
- (11) Organizations certified by the Secretary of Labor as representative of one or more of the nine (9) employee categories shall have the right to unchallenged representation of that employee category for a period of not less than one (1) year following the date of designation by the Secretary of Labor and thereafter subject to the adoption of policies by the Council.
- (12) Matters concerning the terms and conditions of employment which are common to all classified employees shall be discussed by the council as a whole. The council shall have the right to negotiate with and advise the Governor regarding such matters. Any agreement reached through such negotiations shall be reflected in a written settlement. Matters unique to a particular category and other matters the Council deems appropriate shall be considered on a per category basis. The Secretary of the Labor Cabinet shall determine the eligibility of any entity to represent any category of state employees.
- (13) Council members shall receive no compensation for their services.
- (14) A majority of the Council shall constitute a quorum for the purpose of conducting business and approving recommendations to the Governor. The

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result of such sessions shall be set forth in a written document. The Council shall adopt such internal rules, bylaws and procedures as it deems necessary for the efficient conduct of its business including the appointment of a chair of the Council and such committees as it may deem necessary for its operation.

- (15) It shall be a violation of this Order for any employee organization which has been certified by the Secretary of Labor as the representative of classified employees under this Order to engage in a strike or work stoppage of any kind or to encourage or support any such action against the Commonwealth of Kentucky. An employee organization shall forfeit its status as the representative of classified employees under this Order if the organization engages in a strike or work stoppage against the Commonwealth of Kentucky or encourages or supports such action.
- (16) The provisions of this Order shall in no way diminish or infringe upon any rights, responsibilities, powers or duties conferred upon any entity other than the Governor by the Constitution of the Commonwealth of Kentucky or by the Kentucky Revised Statutes.
- (17) The results of discussions of the Council with the Governor shall not be construed or interpreted to diminish any rights and responsibilities of individual employees in the classified service under KRS Chapter 18A; KRS Chapter 151B and 16A.
- (18) The Secretary of the Finance and Administration Cabinet, the Secretary of the Personnel Cabinet and the Secretary of the Labor Cabinet shall take all steps necessary to implement this Order.

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PAUL E. PATTON  
Governor

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JOHN Y. BROWN III  
Secretary of State